

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application Serial No. 09/750,320
Attorney Docket No. 042846-0313440

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: Andrew ROUSE *et al.*
FILING DATE: December 29, 2000
ART UNIT: 2618
EXAMINER: YUWEN PAN
FOR: SYSTEM AND METHOD FOR PROVIDING WIRELESS DEVICE ACCESS

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

Further to the Notice of Appeal filed herewith, Appellants respectfully submit an Appeal Brief pursuant to 37 C.F.R. § 41.37.

The Director is authorized to charge the \$500.00 fee for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20(b)(2). The Director is further authorized to charge any additional fees that may be due, or credit any overpayment of same to Deposit Account No. 033975 (**Ref. No. 042846-0313440**).

REQUIREMENTS OF 37 C.F.R. §41.37

I. 37 C.F.R. § 41.37(c)(1)(i) – REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation.

II. 37 C.F.R. § 41.37(c)(1)(ii) – RELATED APPEALS AND INTERFERENCES

There are no related appeals and/or interferences.

III. 37 C.F.R. § 41.37(c)(1)(iii) – STATUS OF CLAIMS

Pending: Claims 21, 22, 24-30, 32-39, and 41-44 are pending.

Cancelled: Claims 1-20, 23, 31, and 40 have been cancelled without prejudice or disclaimer.

Rejected: Claims 21, 22, 24-30, 32-39, and 41-44 stand rejected.

Allowed: No claims have been allowed.

On Appeal: The rejections of claims 21, 22, 24-30, 32-39, and 41-44 are appealed.

IV. 37 C.F.R. § 41.37(c)(1)(iv) – STATUS OF AMENDMENTS

No amendments have been entered subsequent to the mailing of the final Office Action on September 17, 2007 ("the final Office Action").

V. 37 C.F.R. § 41.37(c)(1)(v) – SUMMARY OF CLAIMED SUBJECT MATTER

A. INDEPENDENT CLAIMS

The implementation of wireless devices to access information is generally known. For example, at the time of the invention, information was typically stored on a wireless device, and a user would be enabled to access/manipulate the locally stored information through software that was also stored on the device. As another example, information generated for display on a desktop terminal could be transmitted to a wireless device, which could then display the information as it was intended to be displayed on the desktop terminal, or the wireless device could further format the information before displaying it. Generally, these solutions for accessing information on a wireless device were resource intensive because they required a relatively large amount of processing and/or storage resources of the wireless device to be dedicated to enabling access of the information.

One aspect of the invention of the instant application enables information generated and/or stored on a server to be accessed from a wireless client device such that the information is formatted on the server prior to transmission to the wireless client device. This may reduce the amount of processing and/or storage required to access the information on the wireless client device. In some embodiments, the formatting of the information on the server may be customized specifically for one or both of the wireless client device and/or the user of the wireless client device.

1. Claim 21

One aspect of the invention relates to a method for enabling a wireless client device to communicate with at least one server having one or more applications residing thereon. See, e.g., the specification, pg. 7 line 18-pg. 8 line 4. In some

embodiments, the method may comprise enabling the wireless client device to select an application residing on the at least one server (see, *e.g.*, *id.* at pg. 12 line 19-pg. 13 line 8); enabling the wireless client device to select at least one application action associated with the selected application residing on the at least one server (see, *e.g.*, *id.* at pg. 12 line 19-pg. 13 line 8); executing the at least one selected application action on the at least one server (see, *e.g.*, *id.* at pg. 12, lines 19-21), the application action comprising at least one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server, and searching at least one file within the server (see, *e.g.*, *id.* at pg. 13, lines 2-8); formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device and a user selection of one or more fields associated with the at least one file (see, *e.g.*, *id.* at pg. 31 line 15-pg. 32 line 2); and transmitting the formatted at least one application output to the wireless client device (see, *e.g.*, *id.* at pg 12, lines 19-21).

2. Claim 28

Another aspect of the invention relates to a wireless communication system. In some embodiments, the system comprises at least one server and at least one wireless client device. The at least one server has one or more applications. See, *e.g.*, *id.* at pg. 11, lines 5 and 6. In some embodiments, the at least one wireless client device comprises a views/folders module, a default and custom actions module, and a forms module. The views/folders module may enable the at least one wireless client device to display options associated with a selected application residing on the at least one server. See, *e.g.*, *id.* at pg. 27, lines 7-13. The default and custom actions module may enable the at least one wireless client device to select at least one application action associated with the selected application to be executed on the at least one server. See, *e.g.*, *id.* at pg. 28, lines 7-13. The application action may comprise one or more of one of opening at least one file within the server, closing at

least one file within the server, editing at least one file within the server, or searching at least one file within the server. See, e.g., *id.* at pg. 13, lines 2-8. The forms module may enable the wireless client device to view at least one application output associated with the at least one selected application action, wherein the output is formatted based on a user selection of one or more fields associated with the at least one file. See, e.g., *id.* at pg. 23 line 1-pg. 26 line 20.

3. Claim 33

Another aspect of the invention relates to a wireless client device capable of communicating with at least one server having one or more applications thereon. In some embodiments the wireless client device comprises a views/folders module, a default and custom actions module, and a forms module. The views/folders module may enable the at least one wireless client device to display options associated with a selected application residing on the at least one server. See, e.g., *id.* at pg. 27, lines 7-13. The default and custom actions module may enable the at least one wireless client device to select at least one application action associated with the selected application to be executed on the at least one server. See, e.g., *id.* at pg. 28, lines 7-13. The application action may comprise one or more of one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server, or searching at least one file within the server. See, e.g., *id.* at pg. 13, lines 2-8. The forms module may enable the wireless client device to view at least one application output associated with the at least one selected application action, wherein the output is formatted based on a user selection of one or more fields associated with the at least one file. See, e.g., *id.* at pg. 23 line 1-pg. 26 line 20.

4. Claim 38

Another aspect of the invention relates to a storage medium for storing a machine readable code, the machine readable code being executable to enable a

wireless client device to communicate with at least one server, having one or more applications residing thereon, according to the steps of: enabling the wireless client device to select an application residing on the at least one server (*see, e.g., id.* at pg. 12 line 19-pg. 13 line 8); enabling the wireless client device to select at least one application action associated with the selected application residing on the at least one server (*see, e.g., id.* at pg. 12 line 19-pg. 13 line 8); executing the at least one selected application action on the at least one server (*see, e.g., id.* at pg. 12, lines 19-21), the application action comprising at least one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server, and searching at least one file within the server (*see, e.g., id.* at pg. 13, lines 2-8); formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device and a user selection of one or more fields associated with the at least one file (*see, e.g., id.* at pg. 31 line 15-pg. 32 line 2); and transmitting the formatted at least one application output to the wireless client device (*see, e.g., id.* at pg 12, lines 19-21).

B. DEPENDENT CLAIMS ARGUED SEPARATELY

1. Claims 24 and 41

In some embodiments, the profile of the wireless client device comprises at least one of a feature of the wireless client device or a device type of the wireless client device. *See, e.g., id.* at pg. 31 line 15-pg. 32 line 2.

VI. 37 C.F.R. § 41.37(c)(1)(vi) – GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.

Claims 21, 22, 25-30, 32-35, 37-39, and 42-44 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,633,759 to Kobayashi ("Kobayashi"), and claims 24 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kobayashi in view of U.S. Patent No. 6,308,061 to Criss *et al.* ("Criss"). Both of these rejections constitute legal error, and should be reversed upon review.

VII. 37 C.F.R. § 41.37(c)(1)(vii) – ARGUMENT

A. CLAIMS 21 AND 38 (and their dependent claims)

The rejections of claims 21, 22, 24-27, 38, 39, and 41-44 constitute legal error. For example, the standing rejection of independent claims 21 and 38, which is based on the cited sections of Kobayashi, is improper because the cited portions of Kobayashi do not clearly and unambiguously disclose each and every feature of the claimed invention of claims 21 and/or 38.

For example, to properly reject claims 21 and/or 38, the Examiner must demonstrate that cited portions of Kobayashi disclose, either expressly or inherently, a method that comprises, among other things, **formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device and a user selection of one or more fields associated with the at least one file; and transmitting the formatted at least one application output to the wireless client device**, as is recited *inter alia* in each of independent claims 21 and 38.

In the final Office Action, the Examiner erroneously alleges that Kobayashi discloses this feature at column 8, lines 32-65. See the final Office Action, page 4. The cited passage of Kobayashi reads as follows:

The PC 1 is in a link request waiting state, and monitors periodically whether a wireless link establish request has been issued from the cellular phone 2 or not (Step A11). If the link establish request has been issued (Yes in Step A11), the PC 1 confirms that the requesting party is the cellular phone 2 from the ID information contained in the link establish request, and runs a job (negotiation) to establish a link with the 2.45 GHz wireless communication device in the cellular phone 2 by controlling the baseband unit 10, so that a wireless link using a wireless communication in 2.45 GHz is established with the cellular phone 2 (Step A12).

When the link establish request has not been issued (No in Step A11), the flow skips to a sequence where whether a link release request has been issued or not is determined (Step A17).

When the wireless link is established with the cellular phone 2, the PC 1 sends screen data equivalent to a menu screen showing a list of all kinds of software (application software) installed therein to the cellular phone 2 via the wireless link. More specifically, the personal computer engine 15 controls the baseband unit 10 in the wireless communication module 7, so that screen data equivalent to a screen showing a list of all kinds of software is sent to the cellular phone 2 by a wireless radio wave (Step A13).

After the screen data is sent, the PC 1 determines whether a manipulation request in selecting specific software has been issued or not from the cellular phone 2 (Step A14). When the manipulation request has been issued from the cellular phone 2 (Yes in Step A14), the personal computer engine 15 in the PC 1 accepts the manipulation request as a command from the keyboard 21 of the PC main body, and runs the software at that command from the cellular phone 2 (Step A15).

As has previously been argued by Appellants, at best, this portion of Kobayashi describes a cell phone and a PC establishing a link therebetween, and information being provided from the PC to the cell phone. There is no express disclosure in the cited passage that describes formatting the information transmitted from the PC to the cell phone based on a profile of the cell phone, or of formatting the information transmitted from the PC to the cell phone in any way. As such, the cited sections of Kobayashi fail to clearly and unambiguously disclose **formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device.**

In the final Office Action, the Examiner contends that this section of Kobayashi discloses the claimed features because “the capacity (screen size) of the cell phone is limited, so that the data list in which is [sic] transmitted from the PC in which [sic] has greater capacity must be formatted or reduce [sic] to the capacity of the cell phone before the information could be transmitted.” The final Office Action, pg. 2. Apparently, the gist of the argument made by the Examiner is that because the screen size of the cell phone and the PC are different, information inherently must be formatted differently for the cell phone before it is transmitted from the PC. In order for this to be true, there must be no alternative way in which the information transmitted from the PC to the cell phone could be processed for display on the cell phone (otherwise the functionality recited by the Examiner would not be inherent in the method of Kobayashi). *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349, 60 U.S.P.Q.2d 1758, 1762 (Fed. Cir. 2002). However, the Examiner has submitted no evidence that this is the case. Thus, the Examiner has failed to meet the requisite burden. While it is not the applicants burden to prove the negative, by way of example, there are other explanations for how the cell phone could display information generated for display on the PC. For example, the information could just be displayed in its full form on the screen of the cell phone. As another example, the information could be transmitted in its unabridged form to the cell phone, and then be formatted for display on the cell phone (e.g., by simplifying, reducing, or discarding information) by a processor on the cell phone, and not on the PC. If the information is formatted on the cell phone, instead of the PC, then Kobayashi does not teach the features of claims 21 and 38 above because these claims further recite **transmitting the formatted at least one application output to the wireless client device**. Accordingly, the Examiner's contention that the disparate screen sizes of the cell phone and the PC inherently requires that the PC format information for display on the cell phone before transmitting the information to the cell phone constitutes factual and legal error.

Further, assuming Kobayashi did disclose that the PC formats information for display on the cell phone (see Kobayashi, col. 10 line 65-col. 11 line 3), this disclosure would still not necessarily anticipate the features of the claimed invention recited above. At best, such disclosure would only constitute a generic processing of information to be applied to information being transmitted to any cell phone (e.g., based on the general discrepancy in screen sizes between PC's and cell phones) without regard for the particulars of a specific cell phone and/or its user. The claimed invention requires **formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device**. This requires that the formatting of information be specific to a particular wireless client device ("**based on a profile of the wireless client device**"), and not just a general formatting applied generically without regard for the individual device. Therefore, even if the cited sections of Kobayashi did disclose formatting information for display on the cell phone, this disclosure would still not anticipate the features of the invention reproduced above.

For one or more of the reasons presented above, the rejection of independent claims 21 and 38 based on the cited sections of Kobayashi is erroneous and must be withdrawn. Further, claims 22, 24-27, 39, and 41-44 depend from a corresponding one of claims 21 and 38. Therefore, the rejection of claims 22, 24-27, 39, and 41-44 based on the cited sections of Kobayashi and/or Criss are erroneous and must be reversed due to the dependency of these claims as well as for the features that they recite individually.

B. CLAIMS 28 AND 33 (and their dependent claims)

The rejection of claims 28-30, 32-35, and 37 constitutes legal error. For example, the standing rejection of independent claims 21 and 38, which is based on

the cited sections of Kobayashi, is improper because the cited portions of Kobayashi do not clearly and unambiguously disclose each and every feature of the claimed invention of claims 28 and/or 33.

For example, to properly reject claims 28 and/or 33, the Examiner must demonstrate that the cited portions of Kobayashi disclose, either expressly or inherently, a method that comprises, among other things, **a forms module that enables the wireless client device to view at least one application output associated with the at least one selected application action, wherein the output is formatted based on a user selection of one or more fields associated with the at least one file**, as is recited *inter alia* in each of independent claims 28 and 33.

In the final Office Action, the Examiner contends that these features are anticipated in Kobayashi by the disclosure of column 10, lines 52-65, which allegedly disclose "specified software (as a forms module) in which [sic] is capable of convert [sic] or format [sic] whatever data information as [sic] requested by the user (key manipulation) from a PC format to the cellular phone format." This section of Kobayashi reads as follows:

Thus, as shown in FIG. 9, even when the PC 1 is placed on the rack in a commuter train or in the user's briefcase, the user can selectively retrieve data on desired software installed in the PC 1 by manipulating the cellular phone 2 at hand. Desired software is selected from the PC 1's screen displayed on the cellular phone 2 by manipulating arrow keys 44a or function keys 44b formed in the key manipulation unit 44. The PC 1 accepts the key manipulation on the cellular phone 2 as a command from its own keyboard 21, and sends data on the specified software to the cellular phone 2. Consequently, the user can see data on the desired software installed in the PC 1 by using the cellular phone 2 as a viewer of the PC 1.

As should be appreciated from the foregoing, the section of Kobayashi relied on by the Examiner actually discusses manipulating software on the PC based on

commands input on the cell phone. In particular, the cited portion of Kobayashi discusses user selection, via an interface provided on the cell phone, of software running on the PC. At best, this section is relevant to selection of an **application action** (with the selection of software and/or manipulation thereof arguably being similar to selection of an **application action**) that causes the selected software to generate data for transmission to the cell phone (the generated data arguably being similar to an **application output** associated with the selection). However, the passage reproduced above does mention the **formatting** of the generated data, much less the selection of **one or more fields associated with one or more files** that influences the formatting of the data. Instead, the passage focuses simply on the transmission of the data from the selected software to the cell phone. As such, this section does not clearly and unambiguously disclose **formatting an application output associated with a selected application action based on a user selection of one or more fields associated with the at least one file**, as is recited in independent claims 28 and 33. For at least this reason the rejection of claims 28 and 33 based on the cited sections of Kobayashi constitutes legal error and must be reversed.

Further, claims 29, 30, 32, 34, 35, and 37 depend from a corresponding one of claims 28 and 33. As such, the rejections of claims 29, 30, 32, 34, 35, and 37 based on the cited sections of Kobayashi are erroneous and must be reversed due to the dependency of these claims as well as for the features that they recite individually.

C. **CLAIMS 24 AND 41**

The rejection of claims 24 and 41 constitutes legal error. For example, the standing rejection of claims 24 and 41, which is based on a proposed combination of Kobayashi and Criss, is improper because the cited portions of Kobayashi and Criss

(1) do not teach or suggest all of the features of the claimed invention, and (2) Criss is non-analogous art.

1. **Kobayashi and Criss do not teach or suggest all of the features of the claimed invention.**

To properly reject claims 24 and/or 41, the Examiner must demonstrate that cited portions of Kobayashi and Criss teach or suggest each and every feature of the claimed invention. Kobayashi and Criss fail to teach or suggest, for example, the features of **wherein the profile of the wireless client device comprises at least one of a feature of the wireless client device or a device type of the wireless client device**, as is recited *inter alia* in each of claims 24 and 41.

The Examiner acknowledges that Kobayashi fails to teach or suggest this feature, but alleges that Criss teaches “that the version number, and capacity, etc. of [sic] wireless device are transmit [sic] to a host computer for [sic] keep up with the upgrade of the wireless device.” The final Office Action, pg. 6. Whether or not Criss teaches that the “version number” of software loaded onto the wireless device (e.g., at col. 12, lines 55-62) is irrelevant, as the version number of software loaded onto a wireless device is neither a **feature of the wireless client device** nor a **device type**. The allegation of the Examiner that Criss teaches transmitting a “capacity, etc.” of a wireless device is not supported by the disclosure of Criss (which appears to teach only transmission of a current version of software). Further, the Examiner has not pointed to any specific passage within Criss as supporting this allegation. As such, the cited sections of Kobayashi and Criss do not teach or suggest **the profile of the wireless client device comprises at least one of a feature of the wireless client device or a device type of the wireless client device**. For at least this reason the rejections of claims 24 and 41 based on the cited sections of Kobayashi and Criss are erroneous and must be reversed.

2. Criss is non-analogous art for the purposes of the instant application.

The first factor in deciding whether a claim is obvious in light of the prior art is determining "the scope and content of the prior art." *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 958, 1 U.S.P.Q.2d 1196, 1197 (Fed. Cir. 1986) (citing *Graham v. John Deere Co.*, 383 U.S. 1 (1966)). This includes determining what constitutes analogous art to the claimed invention.

The Examiner's reliance on Criss for the rejection of claims 24 and 41 is improper as this reference is non-analogous art to Appellant's claimed invention.

A two step test has been developed to determine whether a particular reference is within the appropriate scope of the prior art. First, it must be determined whether a particular reference is "within the field of the inventor's endeavor." Second, assuming the reference is outside that field, it must be determined whether the reference is "reasonably pertinent to the particular problem with which the inventor was involved." *In re Deminski*, 796 F.2d 436, 230 U.S.P.Q. (BNA) 313, 315 (Fed. Cir. 1986).

a. Criss is outside the inventor's field of endeavor.

Criss is outside the field of the inventor's endeavor for at least the reason that Criss is not related to the *relevant* field of endeavor. The inventor's field of endeavor (for claims 24 and 41) relates to wireless device access and, in particular, to enabling users to access server-based information using mobile devices over wireless data networks. See the specification, pg. 1, lines 4-7.

Criss, by contrast, describes a system of upgrading software on mobile devices based on a determination as to whether such an upgrade is necessary. See, e.g., Criss, col. 2, lines 50-54. This field of endeavor is not within the inventor's field of endeavor.

- b. *Criss is not reasonably pertinent to the particular problem(s) with which Appellant was involved.*

Since Criss is outside the inventor's field of endeavor, the inquiry becomes whether this reference is reasonably pertinent to the particular problem(s) with which Appellant was involved.

A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would commend itself to an inventor's attention in considering his problem. Thus, the purposes of both the invention and the prior art are important in determining whether the reference is reasonably pertinent to the problem the inventor attempts to solve. If a reference disclosure has ***the same purpose*** as the claimed invention, the reference relates to the same problem, and that fact supports use of that reference in an obviousness rejection. An inventor may well have been motivated to consider the reference when making his invention. If it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it. *In re Clay*, 966 F.2d 656, 23 U.S.P.Q. 2d (BNA) 1058 (Fed. Cir. 1992)(emphasis added).

Criss is not reasonable pertinent to the particular problem(s) with which Appellant was involved. These problems include, for example, sending and receiving messages, alerts, pages, notification, and other forms of information to and from mobile devices such that the information can be viewed on a mobile device, prompt execution of commands on a server in response to selection of such commands on a mobile device, customization of information delivered to a mobile device, *etc.*

In contrast, the problems addressed in Criss are related to whether or not software has previously been upgraded so that duplicative upgrades are not implemented, thereby wasting system resources and time. See, e.g., Criss, col. 2, lines 21-39.

The Examiner cites no evidence that a person having ordinary skill in the art would reasonably have expected to solve the problem(s) associated with enabling users to access server-based information using mobile devices over wireless data networks by implementing design concepts conceived for upgrading software on mobile devices to avoid duplicative upgrading, as are disclosed in Criss. As such, there would be no reason one of ordinary skill in the art would look to the diverse field of Criss absent hindsight.

Patent examination is necessarily conducted by hindsight, with complete knowledge of the applicant's invention, and the courts have recognized the subjective aspects of determining whether an inventor would be reasonably motivated to go to the field in which the examiner found the reference, in order to solve the problem confronting the inventor... [I]t is...in other words, common sense...in deciding in which fields a person of ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor...The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q. 2d (BNA) 1443 (Fed. Cir. 1992).

Application of the proper two-step legal analysis frequently demonstrates that references, which might appear relevant to (or have something in common with) a claimed invention, are not analogous and therefore may not be properly considered. The Federal Circuit has frequently confirmed this. For example, it has held that the art of petroleum extraction is not analogous to the art of petroleum storage despite both being in the petroleum industry. *In re Clay*, 966 F.2d 656, 659-60 (Fed. Cir. 1992). Fasteners for garments are not analogous to fasteners for a hose clamp. *In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992). Paper stapling is not analogous to surgical stapling. *U.S. Surgical Corp. v. Hospital Prods. Int'l Pty., Ltd.*, 701 F. Supp. 314, 334 (D. Conn. 1988). Single in-line memory modules (SIMMs) for an industrial

controller is not analogous to SIMMs for personal computers. *Wang Labs., Inc. v. Toshiba Corp.*, 993 F.2d 858, 864 (Fed. Cir. 1992). Railway car brakes are not analogous to automotive vehicle brakes. *SAB Industri AB v. The Bendix Corp.*, 199 USPQ 95, (E.D. Va. 1978).

For at least the foregoing reasons, it is clear that the Examiner has not proven an essential element of the obviousness test, *i.e.*, that Criss is within the scope and content of the prior art. As a result, Criss cannot be properly considered in an obviousness analysis. "The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness." *In re Oetiker*, 977 F.2d 1443, 1447, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992). This reference therefore cannot be relied upon to prove obviousness of Appellant's invention as claimed in claims 24 and 41. Accordingly, the rejection of claims 24 and 41 under 35 U.S.C. § 103(a) should therefore be reversed.

VIII. 37 C.F.R. §41.37(c)(1)(viii) - CLAIMS APPENDIX

Appendix A: The pending claims (claims 21, 22, 24-30, 32-39, and 41-44) are attached in Appendix A.

IX. 37 C.F.R. §41.37(c)(1)(ix) - EVIDENCE APPENDIX

Appendix B: (None)

X. 37 C.F.R. §41.37(c)(1)(x) - RELATED PROCEEDINGS INDEX

Appendix C: (None)

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application Serial No. 09/750,320
Attorney Docket No. 042846-0313440

CONCLUSION

For at least the foregoing reasons, Appellant respectfully requests that the rejection of each of claims 21, 22, 24-30, 32-39, and 41-44 be reversed.

Date: December 11, 2007

Respectfully submitted,

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APPENDIX A

CLAIMS

21. **(Previously Presented)** A method for enabling a wireless client device to communicate with at least one server having one or more applications residing thereon, the method comprising the steps of:

enabling the wireless client device to select an application residing on the at least one server;

enabling the wireless client device to select at least one application action associated with the selected application residing on the at least one server;

executing the at least one selected application action on the at least one server, the application action comprising at least one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server, and searching at least one file within the server;

formatting at least one application output associated with the at least one selected application actions based on a profile of the wireless client device and a user selection of one or more fields associated with the at least one file; and

transmitting the formatted at least one application output to the wireless client device.

22. **(Previously Presented)** The method of claim 21 wherein the selected application comprises at least one of an email application, a calendar application, a personal directory application, or a public directory application.

23. **(Cancelled)**

24. **(Previously Presented)** The method of claim 21 wherein the profile of the wireless client device comprises at least one of a feature of the wireless client device or a device type of the wireless client device.

25. **(Previously Presented)** The method of claim 24 wherein the feature of the wireless client device comprises at least one of an input interface feature, a display feature, and a data processing feature.

26. **(Previously Presented)** The method of claim 21 wherein formatting the at least one application output comprises at least one of removing an object or artifact contained in the at least one application output, and altering the object or artifact contained in the at least one application output to reduce an amount of information that the object or artifact contains.

27. **(Previously Presented)** The method of claim 24 wherein the device type of the wireless client device comprises a least one of a data-capable wireless phone, an interactive pager, or a personal digital assistant.

28. **(Previously Presented)** A wireless communication system, the system comprising:

at least one server having one or more applications thereon; and

at least one wireless client device comprising:

a views/folders module that enables the at least one wireless client device to display options associated with a selected application residing on the at least one server;

a default and custom actions module that enables the at least one wireless client device to select at least one application action associated with the selected application to be executed on the at least one server, the application action comprising at least one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server, and searching at least one file within the server; and

a forms module that enables the wireless client device to view at least one application output associated with the at least one selected application action, wherein the output is formatted based on a user selection of one or more fields associated with the at least one file.

29. **(Previously Presented)** The system of claim 28 further comprising a customization module that enables the at least one wireless client device to customize at least one view of the at least one application output.

30. **(Previously Presented)** The system of claim 29 wherein the customization module further enables the at least one wireless client device to customize at least one of a display language, a time zone, a date format, and a font format.

31. **(Cancelled)**

32. **(Previously Presented)** The system of claim 28, wherein the selected application comprises at least one of an email application, a calendar application, and a public directory application.

33. **(Previously Presented)** A wireless client device capable of communicating with at least one server having one or more applications thereon, the wireless client device comprising:

a views/folders module that enables the wireless client device to display options associated with a selected application residing on the at least one server;

a default and custom actions module that enables the wireless client device to select at least one application action associated with the selected application to be executed on the at least one server the application action comprising at least one of

opening at least one file within the server closing at least one file within the server, editing at least one file within the server, and searching at least one file within the server; and

a forms module that enables the wireless client device to view at least one application output associated with the at least one selected application action, wherein the output is formatted based on a user selection of one or more fields associated with the at least one file.

34. **(Previously Presented)** The wireless client device of claim 33 further comprising a customization module that enables the wireless client device to customize at least one view of the at least one application output.

35. **(Previously Presented)** The wireless client device of claim 34 wherein the customization module further enables the wireless client device to customize at least one of a display language, a time zone, a date format, and a font format.

36. **(Cancelled)**

37. **(Previously Presented)** The wireless device of claim 33 wherein the selected application comprises at least one of an email application, a calendar application, a personal directory application and a public directory application.

38. **(Previously Presented)** A storage medium for storing a machine readable code, the machine readable code being executable to enable a wireless client device to communicate with at least one server, having one or more applications residing thereon, according to the steps of:

enabling the wireless client device to select an application residing on the at least one server;

enabling the wireless client device to select at least one application action associated with the selected application residing on the at least one server;

executing the at least one selected application action on the at least one server, the application action comprising at least one of opening at least one file within the server, closing at least one file within the server, editing at least one file within the server and searching at least one file within the server;

formatting at least one application output associated with the at least one selected application action based on a profile of the wireless client device and a user selection of one or more fields associated with the at least one file; and

transmitting the formatted at least one application output to the wireless client device.

39. **(Previously Presented)** The storage medium of claim 38 wherein the selected application comprises at least one of an email application, a calendar application, or a public directory application.

40. (Cancelled)

41. (Previously Presented) The storage medium of claim 38 wherein the profile of the wireless client device comprises at least one of a feature of the wireless client device or a device type of the wireless client device.

42. (Previously Presented) The storage medium of claim 41 wherein the feature of the wireless client device comprises at least one of an input interface feature, a display feature, and a data processing feature.

43. (Previously Presented) The storage medium of claim 38 wherein formatting the at least one application output comprises at least one of removing an object or artifact contained in the at least one application output, and altering the object or artifact contained in the at least one application output to reduce an amount of information that the object or artifact contains.

44. (Previously Presented) The storage medium of claim 41 wherein the device type of the wireless client device comprises at least one of a data-capable wireless phone, an interactive pager, and a personal digital assistant.

APPENDIX B

EVIDENCE APPENDIX

NONE

APPENDIX C

RELATED PROCEEDINGS INDEX

NONE